

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

CLARENCE JAMES RUTLAND, )  
                                  )  
                                  )  
Plaintiff                  )  
                                  )  
v.                            )  
                                  )  
THE ATTORNEY GENERAL      )  
OF TENNESSEE, et al.,      )  
                                  )  
Defendants                  )

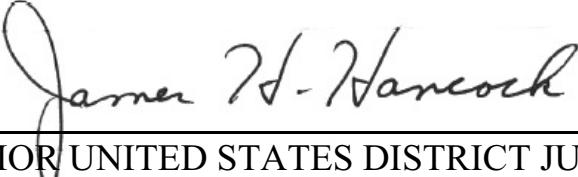
Case No. 2:10-cv-02831-JHH-HGD

**MEMORANDUM OPINION**

The magistrate judge filed a report and recommendation on January 24, 2011, recommending that this action be dismissed without prejudice against the Attorney General of the State of Tennessee and the Attorney General of the State of Alabama for failing to state a claim upon which relief can be granted, pursuant to 28 U.S.C. § 1915A(b)(1). It was also recommended that the remaining claim against defendant Nurse Laura Acree be transferred to the United States District Court for the Western District of Tennessee. Although the plaintiff was advised of his right to file specific written objections within fourteen days, he has failed to respond to the report and recommendation.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and hereby is ADOPTED and the recommendation is ACCEPTED. Accordingly, this action is due to be dismissed without prejudice against the Attorney General of the State of Tennessee and the Attorney General of the State of Alabama for failing to state a claim upon which relief can be granted, pursuant to 28 U.S.C. § 1915A(b)(1). The remaining claim against Nurse Laura Acree is due to be transferred to the United States District Court for the Western District of Tennessee. A Final Judgment and Transfer Order will be entered.

**DONE** this the 7th day of March, 2011.

  
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SENIOR UNITED STATES DISTRICT JUDGE